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October 18, 2004

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OCT 18 2004

Federal Communications Commission
Office of Secretary

By Hand Delivery

Marlene Dortch, Esquire

Secretary

Federal Communications Commission

445 12th Street, S.W.

Washington, D.C. 20554

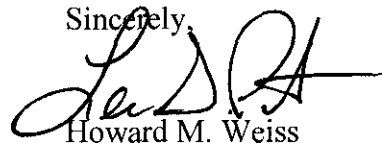
**RE: Counterproposal
Amendment of the FM Table of Allotments – Americus, Georgia
MB Docket No. 04-328 – RM-11046**

Dear Ms. Dortch:

Transmitted herewith is an original and four (4) copies of a Counterproposal of Southern Broadcasting Companies, Inc., in the above-referenced proceeding.

Please contact undersigned counsel should there be any questions regarding this pleading.

Sincerely,



Howard M. Weiss

Lee G. Petro

Counsel for Southern Broadcasting
Companies, Inc.

Enclosures

cc: As shown in Certificate of Service

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OCT 18 2004

Federal Communications Commission
Office of Secretary

In the Matter of: }
 }
Amendment of Section 73.202(b) }
Table of Allotments, }
FM Broadcast Stations. }
(Americus, Georgia) }

MB Docket No. 04-328
RM-11046

TO: Secretary
ATTN: Assistant Chief, Audio Division

COUNTERPROPOSAL

Southern Broadcasting Companies, Inc., by and through its attorneys, and pursuant to Section 1.420(d) of the Commission's rules, hereby submits this Counterproposal to the Petition for Rulemaking filed by SSR Communications, Inc. ("SSR"), to allot Channel 295A at Americus, Georgia, as that community's sixth local transmission service (the "Petition"). On August 27, 2004, the Commission released a Notice of Proposed Rulemaking seeking comments on the Petition.¹

As discussed in more detail below, rather than allotting a sixth local service to Americus, the public interest would be better served by allotting Channel 295A at Oglethorpe, Georgia, as its first local transmission service. Oglethorpe is an incorporated city, and serves as the county seat for Macon County. It has all of the indicia of a community for allotment purposes, and the counterproposal would therefore result in a preferential arrangement of FM allotments.

¹ 19 FCC Rcd 16,631 (2004) (the "NPRM"). The NPRM established October 18, 2004, as the deadline for submitting comments or counterproposals in this proceeding. As such, this Counterproposal is timely filed.

DISCUSSION

The Petition proposes the allotment of Channel 295A at Americus, Georgia. In the Petition, SSR notes that the community of 17,013 persons is already the home to two commercial FM stations (WISK-FM and WDEC-FM), two noncommercial FM stations (WBJY and WFRP) and AM station WISK.² To accomplish this allotment, SSR proposes to downgrade Station WCGQ(FM), Columbus, Georgia, to Class C0 status, and requests that the Commission issue an Order to Show Cause. *Id.*, pg. 2.

In light of the substantial level of existing local services in Americus, Southern proposes to allot Channel 295A at Oglethorpe, Georgia. Attached hereto as Exhibit A is the Technical Statement of Charles A. Cooper, an engineer with the firm of du Treil, Lundin & Rackley, Inc., demonstrating that a fully-spaced Channel 295A can be allotted to Oglethorpe, Georgia. In addition, the resulting allotment would serve more than 4,000 more persons than would be served by the Americus proposal (46,200 vs. 42,017).

Moreover, not only would the proposal serve more persons, as the first local allotment at Oglethorpe, adoption of the counterproposal would result in a preferential arrangement of the FM table of allotments.³ The Commission has routinely preferred allotment counterproposals that would result in the first local service, as compared to proposals that would merely add an additional local service.⁴ Since Americus already has four currently operating local services,

² *Petition*, pg. 1. Although the Petition lists WDEX as one of the FM stations licensed to Americus, the call sign is actually WDEC-FM. In addition, one of the noncommercial FM stations listed by SSR is actually a construction permit authorization, as the station recently was granted a modification of its construction permit (BMPED-20040521AGW), and has yet to file a license application to cover.

³ *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1988). The FM allotment priorities are: (1) First fulltime aural service; (2) Second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

⁴ See, e.g., *Moncks Corner, Kiawah Island, and Sampit, South Carolina*, 15 FCC Rcd 8973, 8982 (2000)(selecting community with no other local service over a community with two local services). See

with an additional local service presumably to commence operating in the near future, the proposal would be treated under the fourth priority in the Commission's allotment scheme, whereas the instant proposal would qualify under the third priority. Therefore, the grant of the instant request would best serve the public interest.

Finally, Oglethorpe clearly qualifies as a community for allotment purposes. Incorporated in 1849, the city has a population of 1,200 persons according to the 2000 Census,⁵ has its own mayor, Gerald Beckum, and a five-person elected City Counsel.⁶ Oglethorpe also has its own City Clerk and City Attorney, and the city serves as the County Seat for Macon County. Oglethorpe has its own Fire Department, its own zip code (31068), and its own post office.⁷ Oglethorpe is also home to the Macon County School System offices, and the county school system's elementary school is located in Oglethorpe. Clearly, Oglethorpe qualifies as a community for allotment purposes.

CONCLUSION

Therefore, Southern Broadcasting Companies, Inc., urges the Commission to allot Channel 295A at Oglethorpe, Georgia, rather than at Americus, Georgia. As demonstrated herein, the allotment of Channel 295A at Oglethorpe would provide this community its first local FM service, and the overall service area of the proposed facility would be more populous than that proposed by SSR.

also Conway, Hot Springs, Wrightsville, Fairfield Bay, Perryville, and Maumelle, Arkansas, 2 FCC Rcd 5118, ¶ 20 (1987)(eliminating a "fourth priority" community from comparative consideration based on existence of two other proposals each qualifying under a higher priority).

⁵ See U.S. Census Bureau, American Factfinder, Profile of General Demographic Characteristics – Oglethorpe City, Georgia.

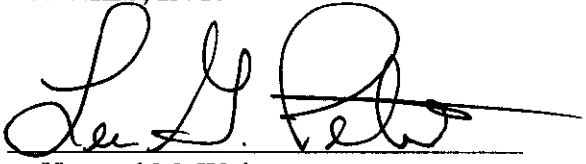
⁶ See Information about the City of Oglethorpe, Georgia Municipal Association (<http://www.gmanet.city/citydetail/default.asp?fipscode=57736>, last visited October 12, 2004).

⁷ See United States Postal Service, Post Office Locator (<http://mapsonus.switchboard.com/bin/maps-showpoi/usr=~417045b9.691f8.5f77.9/c=2/refsrc=USPS/poi=zusps:21765>, last visited October 15, 2004).

In light of these factors, the public interest would be best served by the allotment of Channel 295A at Oglethorpe, Georgia. In the event that Channel 295A is allotted at Oglethorpe, Georgia, Southern Broadcasting Companies, Inc., will file an application for the facility, and, if selected as the permittee, will construct the authorized station.

Respectfully submitted,

**SOUTHERN BROADCASTING
COMPANIES, INC.**

By: 
Howard M. Weiss
Lee G. Petro

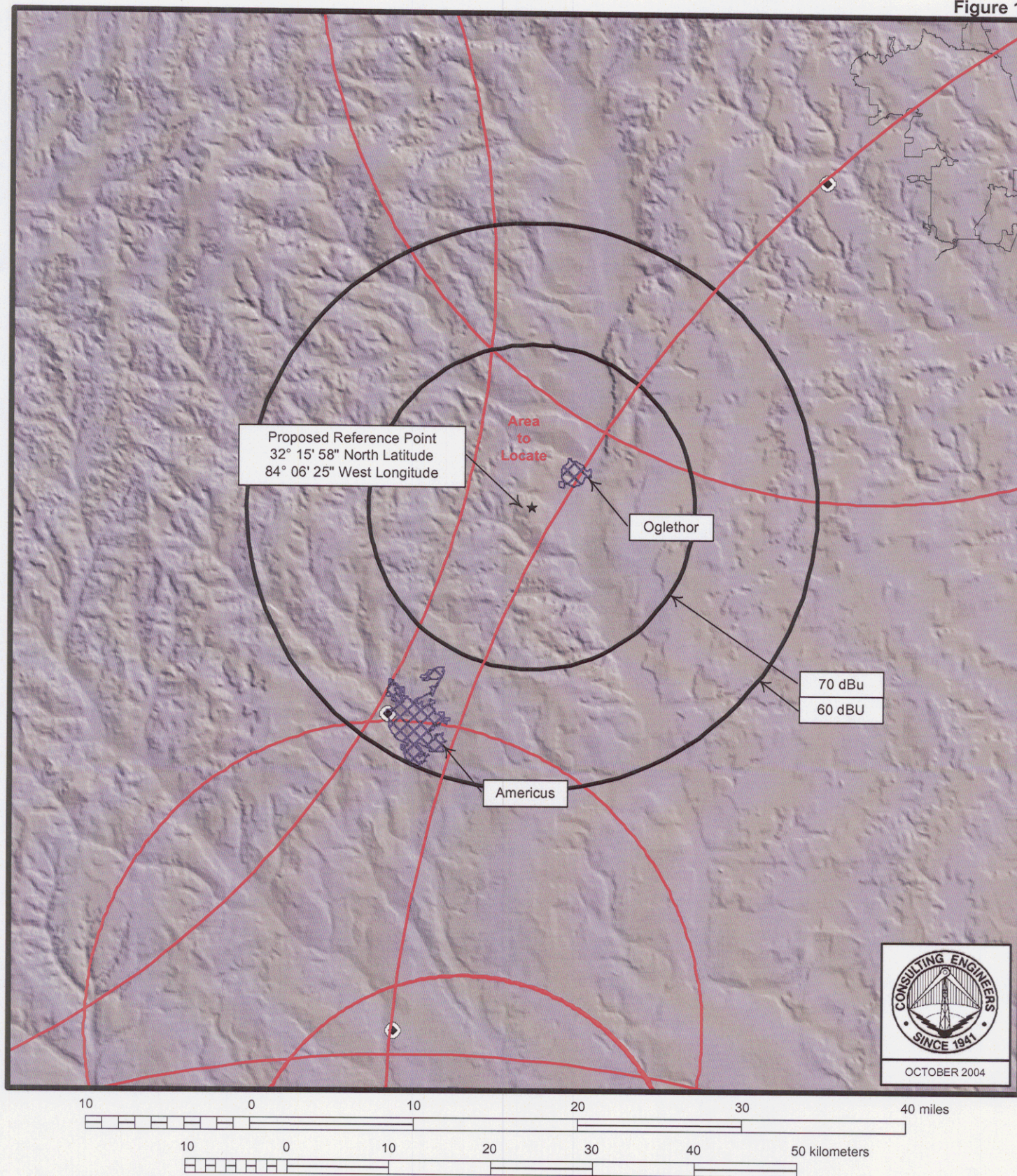
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Its Attorneys

October 18, 2004

EXHIBIT A

Figure 1



FULLY-SPACED AREA TO LOCATE FOR PROPOSED CHANNEL 295A OGLETHORPE, GEORGIA ALLOTMENT

TECHNICAL STATEMENT
IN SUPPORT OF A COUNTERPROPOSAL IN MB DOCKET 04-328

Channel 295A Allocation Study

32° 15' 58" North Latitude

84° 06' 25" West Longitude

Call Id	City St	File Status Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km)
WQBZ 64641	FORT VALLEY GA	BLH LIC C 19900921KD	292 C2 106.3	50.000 150	N	32-45-31 083-44-49	N	31.6	64.24	55.0
WZIQ 29130	SMITHVILLE GA	BLH LIC C 19960823KB	293 A 106.5	2.450 157	N	31-47-59 084-14-54	N	194.5	53.41	31.0
WOKA-F 12203	DOUGLAS GA	BLH LIC C 20020314AAN	294 C1 106.7	100.000 299	N	31-40-21 082-51-28	N	118.9	135.19	133.0
0	AMERICUS GA	RM ADD C 11046	295 A 106.9	0.000		32-04-51 084-15-20		214.2	24.87	115.0
<i>(Proposal to allocate Channel 295A to Americus, Georgia).</i>										
WFXM 25387	GORDON GA	BPH CP C 20020326AAX	296 A 107.1	3.000 143	N	32-50-59 083-28-38	N	42.1	87.67	72.0
WFXM 25387	GORDON GA	BMLH LIC C 19900130KD	296 A 107.1	2.250 165	N	32-51-43 083-21-56	N	46.2	95.99	72.0
WCGQ 72089	COLUMBUS GA	BLH LIC C 19861124KA	297 C0 107.3	100.000 308	N	32-27-59 085-03-23	N	284.3	92.08	86.0

CERTIFICATE OF SERVICE

I, Michelle Brown Johnson, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a true copy of the *Counterproposal* was sent this 18th day of October, 2004 by United States First Class Mail, postage prepaid, to the following:

SSR Communications, Inc.
5270 West Jones Bridge Road
Norcross, GA 30092-1628


Michelle Brown Johnson

TECHNICAL STATEMENT
IN SUPPORT OF A COUNTERPROPOSAL IN MB DOCKET 04-328

Technical Statement

The technical statement was prepared in support of a counterproposal in MB Docket 04-328. It is proposed herein to allocate Channel 295A to the city of Oglethorpe, Georgia in lieu of Americus, Georgia as proposed in MB Docket 04-328.

Proposed Oglethorpe, Georgia Allotment

Figure 1 is a map showing the proposed Oglethorpe Channel 295A reference site and the city limits of Oglethorpe (according to the 2000 Census). The 70 dBu and 60 dBu contours, calculated assuming uniform terrain in all directions, as is the policy of the Allocations Branch, are also shown. Figure 2 is a tabulation of the minimum distance separations from the proposed Channel 295A Oglethorpe reference point to all other pertinent stations and/or allotments.

The proposed reference point for Channel 295A at Oglethorpe is at the following geographic coordinates:

32° 15' 58" North Latitude
84° 06' 25" West Longitude.

Within the proposed Oglethorpe 60 dBu protected contour, approximately 46,200 persons reside according to the 2000 Census. Within the proposed Americus 60 dBu proposed contour, approximately 42,017 persons reside.

Charles A. Cooper

October 11, 2004

du Treil, Lundin & Rackley, Inc.
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Sarasota, Florida 34237
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